

# Notice of Allowability

Application No.

09/926,262

Examiner

Kamran Afshar, 703-305-7373

Applicant(s)

SATO ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/04/2004.
2. ☒ The allowed claim(s) is/are 1-8, 10-17 & 19-26.
3. ☒ The drawings filed on 10/03/2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 1-8, 19-17 & 19-26 are allowed.

The following is an examiner's statement of reasons for allowance: 1-8, 19-17 & 19-26.

With respect to claim 1, the prior art of record fails to disclose or render obvious that a part which determines zone of the base station on the basis of a first distance between the base station and a zone edge of a surrounding the base station, and a second distance between the base station and a zone edge of the base station when transmission power of the base station is smaller.

With respect to claim 14, the prior art of record fails to disclose or render obvious that a part which measures received power or transmission delay of a signal sent to the base station from a surrounding base station; a part which calculates a distance between the base station and the surrounding base station on the basis of a result of the measurement; a part which determines the zone which is the service area of the base station on the basis of the result of calculation.

With respect to claim 15, the prior art of record fails to disclose or render obvious that measuring received power or transmission delay of a signal sent to the base station from a surrounding base station; calculating a distance between the base station and the surrounding base station on the basis of a result of the measurement; and determining the zone which is the service area of the base station on the basis of the result of calculation.

With respect to claim 20, the prior art of record fails to disclose or render obvious that autonomously forming the zone by determining the zone of the base station on the basis of a first distance between the base station and a zone edge of a surrounding base station, and a second distance between the base station and a zone edge of the base station when transmission power of the base station is smallest.

With respect to claim 25, the prior art of record fails to disclose or render obvious that a part which autonomously forms a zone which is a service area of said base station; and a zone determining part which determines the zone of the base station on the basis of receive quality of a signal received

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form a surrounding base station of the base station, the zone determining part including a part which measure received power or transmission delay of a signal.

With respect to claim 26, the prior art of record fails to disclose or render obvious that a zone determining part which determines the zone of the base station on the basis of receive quality of a signal received from a surrounding base station of the base station, the zone determining part including a part which measures a bit error rate or a packet error rate from information sent from the surrounding base station to the base station, and a part which determines the zone according to a result of the measurement of the bit error rate or the packet error rate.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Conclusion**

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached @ (703) 308-4825. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

  
**Kamran Afshar**

  
**DAVID HUDSPETH**  
**PATENT EXAMINER**  
**ROY CENTER 2600**